

REMARKS**Claim Rejections – 35 U.S.C. § 112**

The Patent Office rejected claims 11-20 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. More specifically, the Patent Office stated that the language “wherein no additional valves are located between said liquid measuring device and said two or more nozzles to control flow of fuel from said liquid measuring device to said two or more nozzles” and “wherein no additional valve are needed to control flow of said fuel between said liquid measuring device and said two or more nozzles” of claims 11 and 19, respectively, is not supported by the specification as originally filed. M.P.E.P. § 2163(I)(B) states that “[w]hile there is no in haec verba requirement, newly added claim limitations must be supported in the specification through express, implicit, or inherent disclosure.” (emphasis added). Accordingly, there is no requirement that the exact language used in the claim be used in the specification.

Referring to original Figure 3 and original paragraph [0017] and of the specification:

Immediately downstream of the liquid measuring device no valves are provided. Instead, downstream valves are contained in the actual delivery nozzles 2, 3, 4.

Further, Figure 3 clearly illustrates that there are no additional valves between the liquid measuring device (1) and the nozzles (2, 3, 4). Although the specification does not explicitly use the claim language, the combination of Figure 3 and original paragraph [0017] implicitly discloses that there are no additional valves between the liquid measuring device (1) and the nozzles (2, 3, 4). Thus, claims 11 and 19 are fully supported by the original specification, and the rejection of claims 11-20 under 35 U.S.C. § 112, first paragraph, is traversed.

Claim Rejections – 35 U.S.C. § 103(a)

The Patent Office rejected claims 11-13 and 15-18 under 35 U.S.C. § 103(a) as being unpatentable over Nanaji (U.S. Patent No. 5,630,528) in view of Kopl et al. (U.S. Patent No. 5,447,062).

Regarding claim 11, the combination of Nanaji and Kopl fails to teach or suggest two or more nozzles each coupled to the liquid measuring device and including a downstream valve, wherein no additional valves are located between the liquid measuring device and the two or

more nozzles. Kopl discloses a flow meter having a screw spindle arrangement. Nanaji discloses a fuel dispenser having inlet valves (101-103), a meter (90), and outlet valves (111-113). However, the outlet valves (111-113) are located between the meter (90) and nozzles (71-73) and are not part of the nozzles (71-73). Nanaji also discloses actuating levers (81-83) within the nozzles (71-73) used in combination with the outlet valves (111-113). However, Nanaji fails to disclose two or more nozzles including downstream valves (71-73) and no additional valves being located between the meter (90) and the nozzles (71-73).

The Patent Office stated that Nanaji is silent with respect to the limitation "wherein no additional valves are located between said liquid measuring device and said two or more nozzles to control flow of fuel from said liquid measuring device to said two or more nozzles." The Patent Office further stated that "it would have been obvious to one having ordinary skill in the art at the time of the invention to have omitted any such valves in order to improve system reliability by omitting any unnecessary additional components." However, Nanaji only teaches or suggests the omission of the outlet valves (111-113) when the system includes one nozzle (See Figures 2, 3, and 4 as compared to Figures 6 and 7). Thus, it would not have been obvious to omit the outlet valves (111-113) when the system includes two or more nozzles.

Since the combination of Nanaji and Kopl fails to explicitly or inherently disclose a fuel dispenser including two or more upstream valves, a liquid measuring device, and two or more nozzles each including a downstream valve, wherein no additional valves are located between the liquid measuring device and the nozzles, claims 11-13 and 15-18 are allowable.

In view of the discussion above, claims 11-20 are allowable. Reconsideration of the application is respectfully requested. If any issues remain the examiner is encouraged to contact the undersigned attorney of record to expedite allowance and issue.

Respectfully submitted,

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